

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

ALLEN MERING HOUX MORENO,	:	
	:	
Petitioner,	:	Case No. 2:22-cv-2288
	:	
v.	:	Chief Judge Algenon L. Marbley
	:	Magistrate Judge Chelsey M. Vascura
WARDEN, MIAMI CORRECTIONAL FACILITY,	:	
	:	
	:	
Respondent.	:	

ORDER

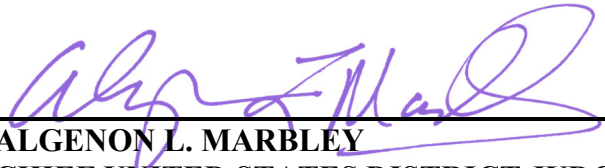
This matter is before this Court on the Magistrate Judge’s Order and Report and Recommendation (“R&R”), recommending that this Court dismiss Mr. Moreno’s petition for habeas corpus pursuant to 28 U.S.C. §§ 2241 and 2254. (ECF No. 8). Petitioner, a citizen of Panama, seeks: (1) to challenge the constitutionality of his state-court guilty plea in the Franklin County Court of Common Pleas, Case No. 00-CR-7202; and (2) judicial review of the rulings issued against him by the Board of Immigration Appeals. (*Id.* at 1).

The R&R was issued on September 29, 2022 and advised the parties that they had fourteen days to raise any objections. (*Id.* at 6). The R&R also notified the parties that a failure to object within the applicable time period would result in a waiver of the right to have the district judge review the R&R *de novo*. (*Id.* at 7).

This Court has reviewed the R&R. Noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, this Court **ADOPTS** the R&R (ECF No. 8) as this Court’s findings of facts and law. To the extent Petitioner seeks release from his current imprisonment at the Miami Correctional Facility in Bunker Hill, Indiana, pursuant to 28 U.S.C. § 2241, this matter is **DISMISSED without prejudice** such that Petitioner can refile

this petition in the district in which he is incarcerated. To the extent Petition seeks relief under 28 U.S.C. § 2254 for his Franklin County, Ohio conviction and judicial review of his immigration proceedings, these matters are **DISMISSED**.

IT IS SO ORDERED.



ALGENON L. MARBLEY
CHIEF UNITED STATES DISTRICT JUDGE

DATED: April 26, 2023